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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jun 10, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DAWN C.,<sup>1</sup>

Plaintiff,

vs.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 4:24-cv-05015-RHW

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 7, 10**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 10, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Thomas Bothwell represents Plaintiff. Attorney Lori Lookliss represents Defendant.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 10**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the

4 Commissioner of Social Security for further administrative proceeding pursuant to

5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following instructions. On remand, the

7 Appeals Council will instruct the ALJ to:

8 • Develop the record as necessary and reconsider all relevant issues;

9 • Re-evaluate the medical opinion evidence;

10 • Discuss supportability and consistency;

11 • Re-evaluate Plaintiff's maximum residual functional capacity and

12 explain restriction not adopted in the RFC finding; and

13 • Issue a new decision.

14 *See* ECF No. 10 at 2.

15 3. Judgment shall be entered for **PLAINTIFF**.

16 4. Plaintiff's Motion for Summary Judgment, ECF No. 7, is

17 **STRICKEN AS MOOT**.

18 5. Upon proper presentation, this Court consider Plaintiff's application

19 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

1 The District Court Executive is directed to enter this Order, **enter Judgment**  
2 **in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED June 10, 2024.

4 *s/Robert H. Whaley*  
5 ROBERT H. WHALEY  
6 Senior United States District Judge